

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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ANNA NETREBKO,	:	Case No. 23-cv-6857
	:	
Plaintiff,	:	
	:	
v.	:	<u>AMENDED COMPLAINT AND</u>
	:	<u>DEMAND FOR A JURY TRIAL</u>
	:	
METROPOLITAN OPERA ASSOCIATION,	:	
INC. d/b/a THE METROPOLITAN OPERA and	:	
PETER GELB, in his professional and individual	:	
capacities,	:	
	:	
Defendants.	:	

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INTRODUCTION

1. Plaintiff Anna Netrebko (“Netrebko”) brings this diversity action by and through her counsel, The Law Offices of Julie R. Ulmet, alleging causes of action under New York State and City law and seeking damages for national origin and gender discrimination, defamation, and breach of contract by Defendants Metropolitan Opera Association, Inc. d/b/a The Metropolitan Opera (the “Met”) and Peter Gelb (“Gelb”), in his professional and individual capacities (collectively, “Defendants”).

2. Netrebko is a world-renowned opera singer who has been described as “opera’s biggest star.”¹ Opera critics have described her as “among the very top tier of true stars in the opera world, able to sell out any house just by putting her name on the marquee.”² Her performance schedule regularly zig-zags between countries and continents, with regular appearances at famed opera houses

¹ Javier C. Hernández, “The Netrebko Question,” *N.Y. Times* (June 22, 2022), <https://www.nytimes.com/2022/06/22/arts/music/anna-netrebko-opera-putin-russia.html>.

² Eric C. Simpson, “Led by a brilliant Netrebko, Met’s all-star ‘Aida’ defines grand opera,” *Classical Review* (Sept. 28, 2018), <https://theclassicalreview.com/2018/09/led-by-a-brilliant-netrebko-mets-all-star-aida-defines-grand-opera/>.

like the Teatro alla Scala in Milan, the Wiener Staatsoper in Vienna, the Royal Opera Covent Garden in London, and the Opéra National de Paris. But when she performs in the United States, for the past twenty years, the Metropolitan Opera in New York City has been her homebase in the country.

3. With the Met, since 2002, Netrebko has sung nearly two hundred performances, including lead roles in seven new productions, headlining two gala performances, and being featured in a rare solo recital with piano. Netrebko was the first female singer in the history of the Met to open the season in a lead role three years in a row, starring in *Anna Bolena*, *L'elisir d'amore*, and *Eugene Onegin* to open the Met's 2011-2013 seasons. She was widely understood to be the Met's "reigning prima donna"³ and was "long considered the face of New York's Metropolitan Opera."⁴

4. Netrebko's long-standing relationship with the Met came to an abrupt halt in March 2022, when the Met's General Manager, Peter Gelb, decided to cut ties dramatically and publicly with Netrebko, a Russian and Austrian dual citizen of Russian national origin, in order to make a statement about the Met's position on the Russian invasion of Ukraine.

5. In February 2022, following the Russian invasion of Ukraine, Gelb decided to brand the Met as a supporter of Ukraine and fierce opponent of Russia by, among other public acts, making an example out of its "reigning prima donna" because she was a Russian woman. Defendants targeted Netrebko knowing that this singularly dramatic turn against an internationally-known "diva" who,

³ Javier C. Hernández, "Anna Netrebko, Russian Diva, Is Out at the Metropolitan Opera" *N.Y. Times* (March 3, 2022), <https://www.nytimes.com/2022/03/03/arts/music/anna-netrebko-met-opera-ukraine.html>

⁴ Madeleine Spence, "Putin and the divas: how the Kremlin waged a cultural offensive on the West," *Sunday Times (UK)* (Aug. 14, 2022), <https://www.thetimes.co.uk/article/putin-and-the-divas-how-the-kremlin-waged-a-cultural-offensive-on-the-west-lkq92bphh>

“[f]or two decades [] had been more or less the face of the Met” would garner significant publicity and firmly establish the Met’s new anti-Russia brand.⁵

6. The Met’s novel position represented a “rapid turnabout on the Russian question.”⁶ On the eve of the invasion of Ukraine, Gelb happened to be in Moscow for a rehearsal of *Lohengrin* at the Bolshoi Theatre, which had been planned as one in a series of three co-productions with the Met.⁷ In October 2017, Gelb had appeared at a news conference in Moscow announcing the unusual partnership with the Bolshoi, which is a state-controlled institution and had reportedly entered the partnership with Putin’s blessing.⁸

7. In the Met’s anti-Russia publicity campaign, Gelb explained that the Met would spare no expense in its actions against Netrebko, a position he confirmed even after the Met had incurred hundreds of thousands of dollars in costs under “pay-or-play” provisions of its terminated contracts with Netrebko.⁹ Over the course of this crusade, the Met terminated its long-standing relationship

⁵ Nicholas Wroe, “Peter Gelb of the New York Met: ‘We’re cancelling Putin, not Pushkin,’” *The Guardian* (April 1, 2022), <https://www.theguardian.com/music/2022/apr/01/peter-gelb-new-york-metropolitan-opera-interview-russia-putin>.

⁶ Alex Ross, “Valery Gergiev and the Nightmare of Music Under Putin,” *New Yorker* (March 3, 2022), <https://www.newyorker.com/culture/cultural-comment/valery-gergiev-and-the-nightmare-of-music-under-putin>.

⁷ Alex Ross, “Valery Gergiev and the Nightmare of Music Under Putin,” *New Yorker* (March 3, 2022), <https://www.newyorker.com/culture/cultural-comment/valery-gergiev-and-the-nightmare-of-music-under-putin>; Madeleine Spence, “Putin and the divas: how the Kremlin waged a cultural offensive on the West,” *Sunday Times (UK)* (Aug. 14, 2022), <https://www.thetimes.co.uk/article/putin-and-the-divas-how-the-kremlin-waged-a-cultural-offensive-on-the-west-lkq92bphh>.

⁸ Sophia Kishkovsky, “Anna Netrebko Will Star in Three Met-Bolshoi Productions,” *N.Y. Times* (Oct. 9, 2017), <https://www.nytimes.com/2017/10/09/arts/music/anna-netrebko-to-star-in-met-bolshoi-productions.html> (“Vladimir Urin, the Bolshoi’s general director, said in a news conference here that he mentioned his Met counterpart, Peter Gelb, and their negotiations at a meeting with President Vladimir V. Putin of Russia last February. Mr. Putin approved the arrangement.”)

⁹ Ronald Blum, “Met Opera marks 1st year of Ukraine war with concert,” *Associated Press* (Feb. 27, 2023), <https://apnews.com/article/russia-ukraine-classical-music-peter-gelb-esther-perbandt->

with Netrebko because of her national origin and gender, breaching multiple contracts in the process. Further, Gelb, on behalf of the Met, continued to keep the Met's actions against Netrebko in the public eye by engaging in an unabated smear campaign against her, repeating a series of defamatory remarks even after terminating the Met's relationship with her and even after a labor arbitrator found that the Met's termination of contracts with Netrebko violated its collective-bargaining agreement with the American Guild of Musical Artists ("AGMA"), the Union representing artists at the Met.

8. Justice requires redress for Defendants' discriminatory acts, defamation, and breach of contract.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(2), in that this is a civil action between citizens of the State of New York on the one hand, and a citizen of Austria and Russia on the other hand, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

10. Venue is proper under 28 U.S.C. § 1391(b)(2) in that a substantial part of the events, acts, or omissions giving rise to the claims occurred in this District, and no real property is involved in this action.

ADMINISTRATIVE PROCEDURES

11. Netrebko has not previously filed a complaint with the New York City Commission on Human Rights, the New York State Division of Human Rights, or the Equal Employment Opportunity Commission. She brings this civil action for national origin discrimination pursuant to

[dangelo-037fb5aaf4d3cf6563608c8e0b77f88f](#) (reporting Gelb's statement, "It's a small price to pay").

New York City Administrative Code Title 8 (Civil Rights) Section 502(a) and New York Executive Law Article 15 (Human Rights Law), Section 297(9).

12. After commencement of this action, a copy of the original Complaint in this action was served on the New York City Commission on Human Rights and the Office of Corporation Counsel of the City of New York, thereby satisfying the notice requirements of the New York City Administrative Code.

PARTIES

13. Plaintiff Anna Netrebko is a woman who resides in Vienna, Austria, is a dual citizen of Austria and Russia, and is of Russian origin. Ms. Netrebko is an internationally renowned opera singer.

14. Defendant Metropolitan Opera Association, Inc. d/b/a The Metropolitan Opera is a New York not-for-profit corporation with a principal place of business in New York, New York. The Met is an opera house and theatrical production company.

15. The Met is an employer of Netrebko within the meanings of the New York City and New York State Human Rights laws.

16. Defendant Peter Gelb resides in New York, New York, and is the General Manager of the Met, a position he has held since 2006 and held at all times relevant to this complaint.

STATEMENT OF FACTS

A. Netrebko's Longstanding, Successful Relationship with Met

17. For nearly twenty years, Netrebko and the Met enjoyed a relationship that was extremely successful for both parties, in which Netrebko earned the role of one of the Met's principal sopranos and the Met was Netrebko's principal opera house in the United States.

18. Netrebko made her Met debut on February 14, 2002, in Prokofiev's *War and Peace* and quickly became a house favorite. Over nearly two decades, Netrebko performed almost 200

times with the Met, averaging ten shows a year, a number of which were broadcast on the Met Live in HD following its inauguration in late 2006. These performances included several opening nights and gala events, in which the Met determined that Netrebko's participation would bring high ticket sales for these important events. In total, Netrebko appeared in 192 performances at the Met according to the Met's online performance archives.

19. Netrebko's final performance at the Met was a New Year's Eve gala in which she starred on December 31, 2019, before the Met ceased in-person performances due to the COVID-19 pandemic. During the COVID-19 pandemic, she also starred in the Met's live-streamed "At Home Gala" on April 25, 2020, and was featured in its "Stars Live in Concert" pay-per-view series on February 6, 2021.

20. As the Met prepared to re-launch its live performances after the pandemic, Netrebko's then-manager was in active discussions with the Met about Netrebko's roles in productions planned for the following years. During these discussions, the parties discussed and agreed that Netrebko would perform in eight future productions at the Met: *Turandot* in the 2021-2022 season, *Don Carlo* and *Lohengrin* in the 2022-2023 season, *La forza del destino* and *Andrea Chénier* in the 2023-2024 season, *Tosca* and *Pique Dame* in the 2024-2025 season, and *Manon Lescaut* and *Macbeth* in the 2025-2026 season.

21. These discussions concerning post-pandemic productions continued the parties' agreed-upon arrangement since in or around 2006 in which, as a general practice, each season the Met featured Netrebko in two live productions with five performances of each title and featured her in HD-streamed Met Live transmissions.

22. Because of her relationship with the Met, in 2006, Netrebko purchased an apartment and made a home in New York City for her and her family.

23. Netrebko had every reason to believe that her longstanding relationship with the Met would continue through her performances in these productions and beyond, throughout her career.

B. Netrebko Publicly Condemns Russia's Invasion of Ukraine

24. On February 24, 2022, Russian troops invaded Ukraine.

25. On February 25, 2022, Netrebko issued a public statement, via Instagram and a statement issued by the promoter of a concert scheduled to take place that day in Aarhus, Denmark: "These are very sad days and we are deeply concerned for the well-being of all people involved. Every war is a terrible tragedy. This is not a time for music but for reflection and prayer. And so we hope and pray for a swift and peaceful resolution."

26. On or around February 26, 2022, the Met asked Netrebko, through her former management, to issue a statement explicitly denouncing Putin and using specific language which, on information and belief, was approved by the Met.

27. On February 26, 2022, Netrebko issued her own public statement, via Instagram and Facebook: "I have taken some time to reflect because I think the situation is too serious to comment on without really giving it thought. First of all: I am opposed to this war. I am Russian and I love my country but I have many friends in Ukraine and the pain and suffering right now breaks my heart. I want this war to end and for people to be able to live in peace. This is what I hope and pray for. I want to add one thing, however: forcing artists, or any public figure, to voice their political opinions in public and to denounce their homeland is not right. This should be a free choice. Like many of my colleagues, I am not a political person. I am not an expert in politics. I am an artist and my purpose is to unite people across political divides."

28. On March 1, 2022, Netrebko issued a public statement via Instagram: "I have said, I am opposite [*sic*] to this senseless war of aggression and I am calling on Russia to end this war right now, to safe [*sic*] all of us! We need peace!"

C. The Met Terminates Netrebko as Part of its Anti-Russia Publicity Campaign

29. On February 27, 2022, the Met issued a public statement, along with a video of Gelb reading the same text, referencing the war in Ukraine and stating, “we can no longer engage with artists or institutions that support Putin or are supported by him — not until the invasion and killing has been stopped, order has been restored and restitutions have been made” (hereinafter, the “Met’s February 27 Policy”).¹⁰

30. On or around March 2, 2022, Gelb, in a phone call with Netrebko, requested that Netrebko issue a statement specifically denouncing Putin. Gelb indicated that if Netrebko issued such a statement, the Met would continue its relationship with her. Netrebko responded that, as a Russian citizen, she could not make such a statement.

31. On March 3, 2022, the Met announced in a press release that Netrebko would not perform in scheduled performances during the 2021-2022 and 2022-2023 seasons after “[n]ot complying with the Met’s condition that she repudiate her public support for Vladimir Putin while he wages war on Ukraine.”

32. Also on March 3, 2022, the Met added in an interview with the *New York Times* that it was in fact, that it was permanently terminating its relationship with Netrebko. Gelb stated, “It’s hard to imagine a scenario in which she will return to the Met.”¹¹

33. On March 28, 2022, the Met, by Gelb, sent a formal letter to Netrebko’s former management stating that it was “compelled” to ask for her withdrawal from *Turandot* and *Don Carlo*, and was also “canceling” the contracts for the 2023-24 season and “all holds for future

¹⁰ “We Stand with Ukraine,” Met Opera (Feb. 27, 2022), <https://www.metopera.org/information/a-message-from-peter-gelb>.

¹¹ Javier C. Hernández, “Anna Netrebko, Russian Diva, Is Out at the Metropolitan Opera” *N.Y. Times* (March 3, 2022), <https://www.nytimes.com/2022/03/03/arts/music/anna-netrebko-met-opera-ukraine.html>.

seasons.” The letter stated, “Because you have so closely aligned yourself with Putin, it is no longer possible for you to perform at the Met.”

34. On March 30, 2022, unrelated to the March 28 letter from the Met, Netrebko issued the following press release:

Anna Netrebko Condemns the War on Ukraine

Following numerous media reports in recent days, Anna Netrebko reconfirms and further clarifies her position on the war on Ukraine.

Commenting on the war, Anna Netrebko said: “I expressly condemn the war on Ukraine and my thoughts are with the victims of this war and their families. My position is clear. I am not a member of any political party nor am I allied with any leader of Russia. I acknowledge and regret that past actions or statements of mine could have been misinterpreted. In fact, I have met President Putin only a handful of times in my entire life, most notably on the occasion of receiving awards in recognition of my art or at the Olympics opening ceremony. I have otherwise never received any financial support from the Russian Government, and live and am a tax resident in Austria. I love my homeland of Russia and only seek peace and unity through my art. After taking my announced break, I will resume performing in late May, initially in Europe.”

35. On March 30, the Met again announced its response to Netrebko via the *New York Times*, with Gelb explaining in an on-the-record interview that Netrebko’s new statement was still unsatisfactory to the Met: “We’re not prepared to change our position . . . If Anna demonstrates that she has truly and completely disassociated herself from Putin over the long term, I would be willing to have a conversation.”¹²

36. Gelb and the Met sought to demonstrate to audiences and donors the Met’s supposed role on the world stage—not only culturally, but in geopolitics and diplomacy—by making a dramatic statement about its efforts to oppose Russia and support Ukraine.

¹² Javier C. Hernández, “Anna Netrebko Seeks Distance From Putin After Losing Work”, *N.Y. Times* (March 30, 2022), <https://www.nytimes.com/2022/03/30/arts/music/anna-netrebko-putin-ukraine.html>.

37. At a performance marking one year from the Russian invasion of Ukraine, he stated publicly, “Although an opera house doesn’t have the offensive capacity of an Abrams tank or an F-16 jet, the Metropolitan Opera is proud to be a powerful cultural resource for Ukraine, helping to lead the fight for artistic liberty against Putin’s cultural propaganda machine.”¹³

38. On March 3, 2023, Gelb told the *New York Times* that he would maintain his “ban” on certain Russian artists, explaining, “Putin is looking for signs of weakness in the West, and I’m sure his first priority is not the Metropolitan Opera House, but I want him to know culturally that we will never weaken. It’s more important than ever that our position does not change until the war is won by Ukraine.”¹⁴

D. The Met Terminated its Relationship with Netrebko Because of Her National Origin and Gender

39. The Met cancelled its contracts and terminated its relationship with Netrebko because she is a Russian woman.

40. As Gelb and the Met attempted to demonstrate the Met’s commitment to support Ukraine and oppose Russia, the most visible way that the Met could attempt to publicly demonstrate this was by taking dramatic action against its “Russian diva” and “reigning prima donna,” which they correctly anticipated would garner international headlines.

41. Gelb and the Met maintained the international publicity around its dramatic turn against Netrebko by engaging in a campaign disparaging Netrebko for more than a year after terminating the relationships with Netrebko.

¹³ Ronald Blum, “Met Opera marks 1st year of Ukraine war with concert,” *Associated Press* (Feb. 27, 2023), <https://apnews.com/article/russia-ukraine-classical-music-peter-gelb-esther-perbandt-dangelo-037fb5aaf4d3cf6563608c8e0b77f88f>.

¹⁴ Alex Marshal & Javier Hernández, “A Year Into War, Russian Artists Still Must Navigate a Tricky Path,” *N.Y. Times* (March 3, 2023), <https://www.nytimes.com/2023/03/03/arts/russian-artists-war-peace.html>.

42. The Met claimed, first, to terminate its relationship with Netrebko based on the Met's February 27 Policy that it would "no longer engage with artists or institutions that support Putin or are supported by him", as set forth in paragraph 29.

43. The Met's February 27 Policy was discriminatory because targeting artists who "support" or are "supported by" Putin singles out Russian artists.

44. In Russia, Putin's government heavily funds the arts, including funding Russia's most important opera houses. Russian opera performers thus perform in theatres that are funded by Putin's government.

45. In Russia, dissent—that is, expressing a lack of support for the government—is criminalized and dangerous.

46. The Met's February 27 Policy effectively punishes artists for being Russian and is therefore facially discriminatory.

47. The Met applied the February 27 Policy to Netrebko by terminating its contracts and relationship with her.

48. The Met's additional stated reasons for terminating its contracts and relationship with Netrebko—that she declined to issue a statement explicitly repudiating Putin and because she had "so closely aligned" herself with Putin—were pretexts because Netrebko's national origin and gender were the real reasons for its decision.

49. The pretextual nature of the Met's stated reasons is apparent because the stated reasons were false. As further set forth in paragraphs 58 and 59, Netrebko was not closely aligned with Putin, did not support Putin, did not receive support from Putin, was not closely associated with Putin, was not an ally of Putin, and was not a political or ideological supporter of Putin.

50. The pretextual nature of the Met's stated reasons is also apparent because the Met replaced Netrebko with non-Russian performers, and because the Met then used the act of making such replacements to garner further publicity.

- (a) After the Met asked for Netrebko's withdrawal from *Turandot* in the 2022-2023 season, it replaced her with Liudmyla Monastyrskaya, who is Ukrainian.
- (b) The Met used this occasion to announce explicitly and publicly that it was replacing Netrebko with a Ukrainian performer, despite Monastyrskaya's concerns about being used to further the Met's campaign against Netrebko. Gelb admitted that Monastyrskaya's Ukrainian national origin was one reason the Met selected her for the role.¹⁵
- (c) After the Met terminated its contract with Netrebko to perform in *Don Carlo* in the 2022-23 season, it replaced her with Eleonora Buratto, who is Italian.
- (d) After the Met terminated its contract with Netrebko to perform in *La Forza del Destino* in the 2023-24 season, it replaced her with Lise Davidsen, who is Norwegian.

51. The pretextual nature of the Met's claims is also apparent because it did not simultaneously and/or evenly apply the February 27 Policy to other artists who, according to media reports, received support from, or expressed support for, Putin and/or the Russian government, including by performing at Russian state-funded theaters and/or performing at Russian political events.

¹⁵ Javier C. Hernández, "Dropping Anna Netrebko, the Met Turns to a Ukrainian Diva," *N.Y. Times* (Apr. 28, 2022), <https://www.nytimes.com/2022/04/28/arts/music/liudmyla-monastyrskaya-met-opera-turandot.html> ("The fact that she's Ukrainian is an extra element of poetic justice that certainly didn't go unnoticed.")

52. The pretextual nature of the Met's claims is also apparent because, to the extent the Met claims that it took adverse actions against Netrebko because she refused to issue a statement denouncing Putin, the Met did not require any other artists to make such a statement and the Met took adverse actions even after Netrebko attempted to comply with the Met's requirements to the fullest extent possible for her as a Russian citizen.

- (a) The Met asked Netrebko to issue a statement about the war in Ukraine and denouncing Putin because of her Russian national origin.
- (b) Upon information and belief, the Met did not ask artists who were not of Russian origin about their views on Russia's actions or ask them to make statements about the war in Ukraine or denouncing Putin.
- (c) Upon information and belief, the Met did not ask *any* other artists about their views on Russia's actions or ask them to make statements about the war in Ukraine or denouncing Putin.
- (d) At the time the Met demanded Netrebko make the statement, the use of terms like "war" and "invasion" could subject Russian citizens to criminal penalties under Russian censorship laws. Denouncing Putin can also pose a risk to a Russian person and to their family members and close friends living in Russia.
- (e) Netrebko has extended family and close friends living in Russia.
- (f) Despite these risks, Netrebko used the word "war" in her multiple public statements condemning Russia's invasion of Ukraine, but it was not possible for her to comply with the Met's additional requirement that she denounce Putin.

- (g) The Met was aware that it was not possible for her to comply with this additional requirement that she denounce Putin.
- (h) Academics with expertise on Russian culture and society have publicly discussed this risk to artists, including to Netrebko in particular. University of Pennsylvania Professor Kevin M. F. Platt wrote in the *New York Times*, “In Mr. Putin’s view, . . . any Russian who rejects the ‘protection’ of the Russian state is a national traitor. Ms. Netrebko herself is now being denounced as a traitor in the Russian Federation after making attempts to distance herself from Mr. Putin.”¹⁶
- (i) Princeton University Professor Simon Morrison explained that “for the artists, there’s no easy way to navigate this treacherous terrain . . . But now they face pressure to speak out, which can cause trouble for them or their families back home . . .”¹⁷
- (j) Other opera houses around the world have now come to understand this risk to Russian artists. The *New York Times* this year observed a key distinction between the Met’s approach and that of European houses: “Many major European houses have changed tack in one important way: Realizing it’s dangerous for Russians to publicly criticize their government, they no longer require Russian artists to make public statements against the invasion.”¹⁸ The

¹⁶ Kevin M. F. Platt, “The Profound Irony of Canceling Everything Russian,” *N.Y. Times* (Apr. 22, 2022), <https://www.nytimes.com/2022/04/22/opinion/russian-artists-culture-boycotts.html>.

¹⁷ Simon Morrison, “Canceling Russian artists plays into Putin’s hands,” *Wash. Post* (March 11, 2022), <https://www.washingtonpost.com/outlook/2022/03/11/russian-artists-canceled-putin-gergiev-netrebko/>.

¹⁸ Marshal & Hernández, “A Year Into War, Russian Artists Still Must Navigate a Tricky Path,” *N.Y. Times* <https://www.nytimes.com/2023/03/03/arts/russian-artists-war-peace.html>.

General Director of the Bayerische Staatsoper was one of those who “changed tack”: after his 2022 cancellation of a contract with Netrebko, in 2023 he told the *Times* that he did not ask any of the Russian performers in his company’s production of *War and Peace* about their views on the war or check their social media statements because, “Asking would already be an accusation.”¹⁹

- (k) The Met’s claim that it terminated its contracts and relationship with Netrebko because she did not explicitly denounce Putin—despite the risks she took to denounce Russia’s actions in Ukraine—is pretextual because the Met made demands of Netrebko with which it knew she could not comply.
- (l) To the extent that the Met’s claims that it terminated its contracts and relationship with Netrebko because she did not explicitly denounce Putin is credible, these grounds for the Met’s actions are direct evidence of discrimination against her on the basis of her national origin because the Met knew that as a Russian, it was impossible for her to comply with the Met’s demands.

53. The Met discriminated against Netrebko because she is a Russian woman. The Met did not terminate its contracts and relationships with similarly situated Russian male artists. Upon information and belief, to this day the Met has continued its contracts and relationships with male Russian artists who were publicly reported to have received support from, and/or expressed support for, the Putin government, including by performing at Russian state-funded theaters and/or performing at Russian political events.

¹⁹ *Id.*

54. The Met terminated its contracts and relationship with Netrebko but not with similarly-situated Russian male artists because Gelb and the Met knew that their actions against Netrebko, as a well-known “diva” or “prima donna”—that is, as a female opera performer—would garner more international headlines than similar actions taken against male artists and would therefore be more successful in furthering the Met’s anti-Russia publicity campaign.

55. The Met has not offered to reinstate Netrebko.

E. Gelb and the Met Engage in a Defamatory Crusade Against Netrebko

56. Both before and even after terminating its relationship with Netrebko, Gelb and the Met engaged in a persistent public campaign to defame and disparage Netrebko:

- (a) In a March 1, 2022 *New York Times* article titled “Valery Gergiev, a Putin Ally, Fired as Chief Conductor in Munich,” Gelb stated, referring to Netrebko, “In the case of somebody who is so closely associated with Putin, denouncing the war is not enough.”²⁰
- (b) In a March 3, 2022 *New York Times* article titled, “Anna Netrebko, Russian Diva, Is Out at the Metropolitan Opera,” Gelb stated, “Anna [Netrebko] is one of the greatest singers in Met history, but with Putin killing innocent victims in Ukraine there was no way forward. . . . It’s hard to imagine a scenario in which she will return to the Met.”²¹
- (c) In an April 1, 2022 *Guardian* article titled, “Peter Gelb of the New York Met: ‘We’re cancelling Putin, not Pushkin,’” Gelb stated, referring to

²⁰ Javier C. Hernández, “Valery Gergiev, a Putin Ally, Fired as Chief Conductor in Munich,” *N.Y. Times* (March 1, 2022), <https://www.nytimes.com/2022/03/01/arts/music/valery-gergiev-fired-munich-ukraine.html>

²¹ Javier C. Hernández, “Anna Netrebko, Russian Diva, Is Out at the Metropolitan Opera,” *N.Y. Times* (March 3, 2022), <https://www.nytimes.com/2022/03/03/arts/music/anna-netrebko-met-opera-ukraine.html>

Netrebko, “she had put herself in that impossible position where she couldn’t repudiate [Putin].”²²

- (d) In a June 30, 2022 *Operawire* publication titled, “Peter Gelb Makes Statements on Anna Netrebko Fallout, the Anti-LGBTQ Law in Russia, State Funding & Diversity at the Met,” Gelb stated, “Netrebko is a close personal ally of Putin, both in her actions and her mindset – and I know that from personal experience because I’ve spoken to her and I’ve known her for many, many years – what I have long tolerated is now unacceptable.”²³
- (e) In an August 14, 2022 article in the *Sunday Times* (UK), “Putin and the divas: how the Kremlin waged a cultural offensive on the West,” Gelb stated, referring to Netrebko, “I was always aware she was, you know, a huge Putin supporter . . . The fact is she put herself in this awful position by being Putin’s political acolyte and fan club member over a period of many years, which I had witnessed.”²⁴
- (f) In the same August 14, 2022 article in the *Sunday Times* (UK), “Putin and the divas: how the Kremlin waged a cultural offensive on the West,” Gelb

²² Nicholas Wroe, “Peter Gelb of the New York Met: ‘We’re cancelling Putin, not Pushkin,’” *The Guardian* (April 1, 2022), <https://www.theguardian.com/music/2022/apr/01/peter-gelb-new-york-metropolitan-opera-interview-russia-putin>.

²³ Francisco Salazar, “Peter Gelb Makes Statements on Anna Netrebko Fallout, the Anti-LGBTQ Law in Russia, State Funding & Diversity at the Met,” *Operawire* (June 30, 2022), <https://operawire.com/peter-gelb-makes-statements-on-anna-netrebko-fallout-the-anti-lgbtq-law-in-russia-state-funding-diversity-at-the-met/> (re-publishing in translation German-language publication, Jeffrey Arlo Brown, “Für mich ist eine Produktion ein Misserfolg, wenn die Geschichte nicht verständlich rübergebracht wird,” *Van Magazin* (June 29, 2022), https://van-magazin.de/mag/peter-gelb-met/?mc_cid=87e1f2fd30&mc_eid=7ad793dc28.)

²⁴ Madeleine Spence, “Putin and the divas: how the Kremlin waged a cultural offensive on the West,” *Sunday Times* (UK) (Aug. 14, 2022), <https://www.thetimes.co.uk/article/putin-and-the-divas-how-the-kremlin-waged-a-cultural-offensive-on-the-west-lkq92bphh>.

described the circumstances under which the Met would re-hire Netrebko, stating, “When the war is over, Putin has been defeated, he’s no longer in office, she’s demonstrating genuine remorse. Maybe that’s when we can consider it. . . . But I would say there’s a very small chance of that happening.”²⁵

- (g) In a September 12, 2022 *Guardian* article titled “Feted opera singer with links to Putin garners boos – and cheers,” Gelb stated, referring to Netrebko, “She is inextricably associated with Putin. . . . She has ideologically and in action demonstrated that over a period of years.”²⁶
- (h) In a November 9, 2022 article in *Limelight* titled, “Peter Gelb on the ins and outs of the Met’s new cinema season,” Gelb stated, “Netrebko has demonstrated over a period of many years that she was kind of in lockstep politically and ideologically with Putin.”²⁷
- (i) In a February 27, 2023 *Associated Press* article titled, “Met Opera marks 1st year of Ukraine war with concert,” Gelb stated, referring to terminating the Met’s relationship and contracts with Netrebko, “It’s a small price to pay. . . . To be on the side of right was what’s important. I wouldn’t be able to look

²⁵ Madeleine Spence, “Putin and the divas: how the Kremlin waged a cultural offensive on the West,” *Sunday Times (UK)* (Aug. 14, 2022), <https://www.thetimes.co.uk/article/putin-and-the-divas-how-the-kremlin-waged-a-cultural-offensive-on-the-west-lkq92bphh>.

²⁶ Shaun Walker, “Feted opera singer with links to Putin garners boos – and cheers,” *The Guardian* (Sept. 12, 2022), <https://www.theguardian.com/world/2022/sep/12/divisions-russian-soprano-anna-netrebko-invasion-ukraine>.

²⁷ Clive Paget, “Peter Gelb on the ins and outs of the Met’s new cinema season,” *Limelight* (Nov. 11, 2022), <https://limelightmagazine.com.au/features/peter-gelb-on-the-ins-and-outs-of-the-mets-new-cinema-season/>.

at myself in the mirror and have known Putin supporters performing on our stage.”²⁸

- (j) In a March 17, 2023 *New York Times* article titled, “Met Opera Ordered to Pay Anna Netrebko \$200,000 for Canceled Performances,” Gelb stated, “Although our contracts are ‘pay or play,’ we didn’t think it was morally right to pay Netrebko anything considering her close association with Putin, . . . It’s an artistic loss for the Met not having her singing here. But there’s no way that either the Met or the majority of its audience would tolerate her presence.”²⁹

57. Gelb made these statements in the context of on-the-record interviews with reporters at major news outlets and significant industry publications. Thus, he made the statements with the knowledge that they would be published and widely disseminated, and each statement was published and widely disseminated.

58. Each of these statements is false. In particular,

- (a) Netrebko is not associated with Putin and is not closely or inextricably associated with Putin.
- (b) Netrebko is not an ally of Putin and is not a close personal ally of Putin.
- (c) Netrebko is not associated with Putin and has not demonstrated through actions or ideology that she is inextricably associated with Putin.

²⁸ Ronald Blum, “Met Opera marks 1st year of Ukraine war with concert,” *Associated Press* (Feb. 27, 2023), <https://apnews.com/article/russia-ukraine-classical-music-peter-gelb-esther-perbandt-dangelo-037fb5aaf4d3cf6563608c8e0b77f88f>.

²⁹ Javier C. Hernández, “Met Opera Ordered to Pay Anna Netrebko \$200,000 for Canceled Performances,” *N.Y. Times* (March 17, 2023), <https://www.nytimes.com/2023/03/17/arts/music/met-opera-anna-netrebko.html>.

- (d) Netrebko is not a political or ideological supporter of Putin, is not a huge Putin supporter, and has not demonstrated that she is a political acolyte of Putin or that she is in political or ideological lockstep with Putin.
- (e) It is false that the Met's audience would not continue to watch Netrebko perform and it is false that a majority of the Met's audience would not "tolerate" Netrebko's participation in the Met's performances.

59. At the time that Gelb made these statements, he had knowledge of the statements' falsity, should have known they were false, or spoke with reckless disregard of the truth of the statements, as set forth in sub-paragraphs 59(a)-(l).

- (a) Gelb made the statements set forth in paragraphs 56(e) through 56(j) *after* Netrebko stated publicly on February 26, 2022, "I am opposed to this war."
- (b) Gelb made the statements set forth in paragraphs 56(e) through 56(j) *after* Netrebko stated publicly on March 1, 2022, "I am opposite [*sic*; opposed] to this senseless war of aggression and I am calling on Russia to end this war right now."
- (c) Gelb made the statements set forth in paragraphs 56(e) through 56(j) *after* Netrebko stated publicly on March 30, 2022, that she "expressly condemn[ed] the war on Ukraine," that she was "not a member of any political party nor [] allied with any leader of Russia," that she had "met President Putin only a handful of times in [her] entire life," and had "never received any financial support from the Russian Government."
- (d) As Netrebko described in detail in her March 30, 2022 public statement, she has met Putin on a small number of occasions. Each occasion was during a

public, non-political event, such as receiving a national prize, the opening of an opera house, and the opening ceremony of the Olympic games in Russia. Netrebko has never met Putin in a one-on-one meeting or in a political or government setting. Netrebko has never campaigned for Putin nor performed in an event of a political nature.

- (e) While in 2014 there were news reports that, after announcing a financial donation to an opera house in Donetsk during a press conference in St. Petersburg after the Russian invasion of Crimea, Netrebko had been photographed with a pro-Russian separatist holding the pro-separatist flag, Gelb made the statements in paragraphs 56(e) through 56(j) after Netrebko had publicly explained in 2014 that she only wanted to help the artists in Donetsk, she did not support the separatists, she did not immediately recognize the flag when it was held up, she gave the donation to an official because she wanted it to reach its intended donation of the opera house, and the donation was not a political act.³⁰
- (f) Further, Gelb made the statements in paragraphs 56(e) through 56(j) *after* Netrebko had explained publicly in a May 22, 2022 interview that her actions at the St. Petersburg press conference were, at worst, a mistake.³¹

³⁰ See, e.g., Michael Cooper & Sophia Kishkovsky, “Donation to Ukrainian Opera House Puts Netrebko in a Political Spotlight,” *N.Y. Times* (Dec. 9, 2014), <https://archive.nytimes.com/artsbeat.blogs.nytimes.com/2014/12/09/donation-to-ukrainian-opera-house-puts-netrebko-in-a-political-spotlight/>.

³¹ See, e.g., “Anna Netrebko, a soprano caught between the footlights and the flames of war,” *Le Monde* (May 22, 2022), https://www.lemonde.fr/en/culture/article/2022/06/02/anna-netrebko-a-soprano-caught-between-the-footlights-and-the-flames-of-war_5985430_30.html.

- (g) While it was reported that on two occasions Netrebko's name appeared on lists of up to 600 supposed-Putin supporters of his presidential campaigns, prior to Gelb's statements in paragraphs 56(e) through 56(j), she had stated publicly that, on one occasion, she did not believe she could reject the request to include her name and on the second occasion, her name was included on the list without her knowledge or consent.³² Despite that appearance on the proxy lists, Netrebko has never campaigned for Putin. If she had declined to permit her name to be included, she believed she would have risked facing punishment or harm in Russia.
- (h) Gelb made the statements in paragraphs 56(e) through 56(j) *after* Netrebko stated publicly in a May 22, 2022 interview that she did not vote for Putin in 2018.³³
- (i) Gelb made the statements in paragraphs 56(e) through 55(j) *after* Netrebko publicly stated on February 26, 2022 that she is not a political person, and *after* Netrebko stated publicly on March 30, 2022, that she is not a member of a political party, and *after* Netrebko stated publicly on May 22, 2022 that she has never taken part in a political campaign.³⁴

³² See, e.g., Christine Lemke-Matwey, "Ich bleibe eine Russin," *Die Zeit* (June 2, 2022), <https://www.zeit.de/2022/23/anna-netrebko-russland-oper-ukraine>; "Anna Netrebko, a soprano caught between the footlights and the flames of war," *Le Monde* (May 22, 2022), https://www.lemonde.fr/en/culture/article/2022/06/02/anna-netrebko-a-soprano-caught-between-the-footlights-and-the-flames-of-war_5985430_30.html.

³³ See, e.g., "Anna Netrebko, a soprano caught between the footlights and the flames of war," *Le Monde* (May 22, 2022), https://www.lemonde.fr/en/culture/article/2022/06/02/anna-netrebko-a-soprano-caught-between-the-footlights-and-the-flames-of-war_5985430_30.html.

³⁴ See, e.g., Christine Lemke-Matwey, "Ich bleibe eine Russin," *Die Zeit* (June 2, 2022), <https://www.zeit.de/2022/23/anna-netrebko-russland-oper-ukraine>

- (j) Gelb made the statement in paragraph 56(j) concerning the Met's audiences *after* Netrebko had given more than 45 performances in opera houses and concert halls in at least twelve countries on three continents subsequent to the Russian invasion of Ukraine.
- (k) Netrebko has stated that she is proud of her Russian heritage, but her national pride is entirely different from political support for a particular government.
- (l) Gelb has worked closely with Russian artists and/or arts organizations for more than forty years, and thus knows or should know the political realities and challenges for Russian artists.

60. Gelb made each of the statements in paragraph 56 because he wanted to promote the business of the Met by developing its reputation as an internationally important supporter of Ukraine and opponent of Russia.

61. Gelb's statements disparaged Netrebko in her profession, in part because they were made by the leader of a prominent opera house in connection with terminating its professional relationship with Netrebko, and thus caused injury to Netrebko's professional reputation.

F. The Union Largely Prevails in Arbitration, Leaving State Law Questions Unresolved

62. As a performing artist at the Met, Netrebko was covered by a collective-bargaining agreement (the "CBA") between the Met and the American Guild of Musical Artists (AGMA) (the "Union").

63. On May 5, 2022, the Union filed a grievance with the Met, asserting that the Met's cancellation of Netrebko's performances violated the parties' CBA. Unable to resolve the grievance, the Union demanded arbitration and an arbitration hearing was held before Arbitrator Howard

Edelman. On February 10, 2023, the Arbitrator issued an award (the “Arbitrator’s Award”). The Arbitrator’s Award found that the Met had violated the CBA when it cancelled three agreements with Netrebko that each had been reduced to a Standard Principals Contract (“SPC”) as provided for by—and thus enforceable under—the CBA. These three SPC agreements were for Netrebko’s participation in the Met’s productions of *Don Carlo* in the 2022-2023 season and *La forza del destino* and *Andrea Chénier* in the 2023-2024 season.

64. As explained by the Arbitrator’s Award, the general course of dealing by the Met and performing artists is as follows: “The [CBA] and the practice of the parties creates a two-tiered mechanism for engaging an artist to perform at the Met. After discussions between the artists (and/or their agents) and Met representatives (usually the General Manager), the parties agree upon the opera to be performed and the dates upon which it will be. They may often discuss pay and other terms and conditions of employment. It is undisputed each side places a hold on the dates of performance.” In the second phase of the process, “a formal agreement [the SPC] . . . is executed and filed with [the Union].”

65. As the Arbitrator’s Award correctly explained, the purpose of converting a hold to an SPC is to provide a copy to the Union, and Netrebko’s then-manager did not request that the Met convert the holds to SPCs “because . . . there was no perceived need to execute and submit them to [the Union].”

66. The Arbitrator’s Award found that the Union’s argument that the holds were binding contracts under New York law was not properly before him. He explained, “The Union raised a number of arguments in support of the enforceability of holds. Essentially, they may be viewed as a single proposition – that the holds for the applicable operas are binding contracts under New York law. It contended that in each case, ‘the expressed words and deeds of the parties established offer,

acceptance, and material terms, resulting in a binding contract.’(Brief, p. 10). This argument is misplaced, I find. The issue here is not whether the communications, oral and written, constitute binding contracts. Rather, the issue is whether holds, however viewed, are enforceable under the terms of the Collective Bargaining Agreement and the parties’ practice. They are not and the status of the holds, standing alone, cannot alter this conclusion.” (p. 28-29) (internal citations and footnotes omitted).

67. Thus, the Arbitrator did not decide whether the “holds” for the 2024-2025 and 2025-2026 seasons constituted binding contracts under New York law and only decided the question under the CBA. The state law issue has not been decided and is appropriately decided by a court.

G. The Met Breached Four Contracts with Netrebko that Were Left Unresolved by the Arbitrator

68. In addition to the breaches of the CBA decided by the Arbitrator, the Met’s actions resulted in the cancellation of four additional contracts between the Met and Netrebko: *Tosca* and *Pique Dame* in the 2024-2025 season and *Manon Lescaut* and *Macbeth* in the 2025-2026 season.

69. Between 2020 and 2021, Netrebko’s then-manager, Judith Neuhoff, engaged in discussions about scheduling Netrebko to perform in certain of the Met’s planned productions. Netrebko, through Neuhoff, reached agreement with the Met to perform in the Met’s productions of *Tosca*, *Pique Dame*, *Manon Lescaut*, and *Macbeth*. Consistent with the parties’ general practice, the Met invited Netrebko to give five performances of each title.

a. The 2024-2025 Season

i. *Tosca*

70. In December 2020, Met administrator Michael Heaston wrote to Neuhoff inviting Netrebko to perform *Tosca* during the 2024-2025 season, asking whether the period between

February 27 and March 22, 2025 would be “possible for several performances,” indicating that if it was, he would “come back” to Neuhoﬀ “with a formal offer.”

71. Later that month, Neuhoﬀ responded that the dates work “in principle” and she would be “happy to ask Anna once this is firm from your side.”

72. In February 2021, Heaston wrote that he was following up about the “possibility of Anna joining us for TOSCA in the 24/25 season in the period February 27-March 22, 2025,” asking Neuhoﬀ, “Would it be possible to determine if Anna would definitely want to have these performances?” He explained that he would need to move another artist the Met had previously confirmed for these performances to a different series to facilitate this, “and can only do so if we know that Anna will join us with complete certainty.”

73. In June 2021, Neuhoﬀ replied that she was “pleased to confirm Tosca in 24/25.” In February 2022, Heaston re-confirmed the dates, re-iterating that he needed to move another artist and “want[ed] to make sure all of this is solid.” Neuhoﬀ again confirmed, stating, “I have February 27 – March 22, 2025 firmly held in the diary, yes,” referring to Netrebko’s official performance calendar or “diary” that her manager maintained.

ii. Pique Dame

74. In June 2020, Met administrator Jonathan Friend emailed Neuhoﬀ to “offer [Netrebko] 5 performances of Lisa in PIQUE DAME in the time period April 28-June 7, 2025.”

75. In December 2020, Neuhoﬀ responded, “Anna is happy to accept the Pique Dame.”

76. Friend responded, “Very happy about PIKOVAYA DAMA.”

b. The 2025-2026 Season – *Manon Lescaut* and *Macbeth*

77. In March 2021, the Met and Neuhoﬀ discussed Netrebko’s participation in productions of *Manon Lescaut* and *Macbeth* in the 2025-26 season and Neuhoﬀ indicated the Netrebko accepted the Met’s offers to perform in these productions.

78. In June 2021, Heaston wrote to Neuhoff to formally offer the roles to Netrebko, stating, “May I offer her 5 performances of the title role in MANON LESCAUT in the time period November 24, 2025-January 17, 2026 and 5 performances of Lady Macbeth in MACBETH in the time period March 23-May 2, 2026? I can offer her our top fee of \$17,000 per performance for both productions.”

79. Neuhoff responded on July 10, 2021, accepting the *Manon Lescaut* offer and saying that Netrebko was still considering *Macbeth*: “Anna is happy to accept the Manon Lescaut and is considering the Macbeth (though I think this will also be a yes.)”

80. Heaston responded that the Met was “delighted Anna is confirmed for the new production of MANON LESCAUT.” He also indicated that the Met had, in fact, relied on the March 30 discussion: “Based upon your email from March 30, which stated Anna was happy with both MANON LESCAUT and MACBETH in the 25/26 season, we proceeded with planning both titles.”

81. Neuhoff stated that she was “confident it will be a yes,” but that Netrebko was “a bit hesitant to think about 25/26 in greater detail.”

82. In response, Gelb reiterated the Met’s reliance on the March communication: “I know you know this, but we have only scheduled Macbeth and cast the other roles because we thought Anna was definitely on board.” Gelb asked “Under these circumstances, might it be possible to push her now for a final confirmation?”

83. On information and belief, Neuhoff confirmed that Netrebko accepted the Met’s offer to perform in the Macbeth production.

H. Netrebko Has Suffered Damages as a Result of Defendants’ Actions

84. The actions of Defendants caused Netrebko emotional distress and physical suffering.

85. The actions of Defendants damaged Netrebko's professional reputation in multiple respects.

86. The actions of Defendants harmed Netrebko's reputation with audiences and opera fans, including by encouraging protests of her performances.

87. The actions of Defendants damaged Netrebko's professional reputation by causing other opera houses, concert halls, and cultural institutions to refrain from contracting with Netrebko.

88. The actions of Defendants, including by requiring Netrebko to issue public statements opposing the actions of Russian government, have caused Netrebko harm in Russia: Russian politicians have denounced Netrebko, Russian theater companies have cancelled contracts with her, Russian audiences have criticized her on her social media channels and in the Russian press, and Netrebko and her family and friends in Russia have suffered the risk of harm, retaliation, and retribution by the Russian government.

89. As a consequence of Defendants' termination of the Met's contracts and professional relationship with Netrebko, Netrebko was forced to sell her home in New York City, which caused her additional emotional distress.

FIRST CAUSE OF ACTION
Discrimination in Violation of the New York State Human Rights Law
(National Origin Discrimination)
Against Defendant the Met

90. Plaintiff Netrebko repeats and realleges the foregoing paragraphs as if fully set forth herein.

91. By the actions described above, Defendant the Met discriminated against Plaintiff on the basis of her national origin in violation of the NYSHRL by terminating its contracts and relationship with Netrebko because of her national origin.

92. As a direct and proximate result of Defendant the Met's unlawful and discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered and continues to suffer harm for which she is entitled to an award of monetary damages and other relief.

93. As a direct and proximate result of Defendant the Met's unlawful and discriminatory conduct in violation of the NYSHRL, Netrebko has suffered, and continues to suffer, harm for which she is entitled to an award of monetary damages and other relief, in addition to costs and reasonable attorneys' fees pursuant to N.Y. Exec. Law § 297(10) and punitive damages pursuant to § 297(4)(c).

SECOND CAUSE OF ACTION
Aiding and Abetting in Violation of New York State Human Rights Law
(National Origin Discrimination)
Against Defendant Gelb

94. Plaintiff Netrebko repeats and realleges the allegations contained in the foregoing paragraphs, as if fully set forth herein.

95. Defendant Gelb directly participated in the discriminatory conduct perpetrated against Netrebko, including, but not limited to, by terminating its contracts and relationship with Netrebko because of her national origin.

96. At all relevant times, Defendant Gelb supervised Netrebko and had the ability to control the terms and conditions of the Met's relationship with Netrebko, including, but not limited to, the power to terminate its contracts and relationship with Netrebko.

97. Defendant Gelb knowingly and recklessly aided and abetted the unlawful discrimination against Netrebko in violation of the NYSHRL, including but not limited to, the termination of the Met's contracts and relationship with Netrebko.

98. As a direct and proximate result of Defendant Gelb's conduct, Netrebko has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income for which Netrebko is entitled to an award of damages.

99. As a direct and proximate result of Defendant Gelb's conduct, Netrebko has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, and emotional pain and suffering for which Netrebko is entitled to an award of damages.

100. As a direct and proximate result of Defendant Gelb's unlawful and discriminatory conduct in violation of the NYSHRL, Netrebko has suffered, and continues to suffer, harm for which she is entitled to an award of monetary damages and other relief, in addition to costs and reasonable attorneys' fees pursuant to N.Y. Exec. Law § 297(10) and punitive damages pursuant to § 297(4)(c).

THIRD CAUSE OF ACTION
Discrimination in Violation of the New York City Human Rights Law
(National Origin Discrimination)
Against Defendant the Met

101. Plaintiff Netrebko repeats and realleges the foregoing paragraphs as if fully set forth herein.

102. By the actions described above, among others, Defendant the Met discriminated against Netrebko on the basis of her national origin in violation of the NYCHRL by terminating its contracts and relationships with Netrebko because of her national origin.

103. As a direct and proximate result of Defendant the Met's unlawful and discriminatory conduct in violation of the NYCHRL, Netrebko has suffered, and continues to suffer, harm for which she is entitled to an award of monetary damages and other relief, in addition to costs and reasonable attorneys' fees pursuant to N.Y. City Admin. Code § 8-502(a), (g).

104. Defendant the Met's unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL for which Netrebko is entitled to an award of punitive damages pursuant to N.Y. City Admin. Code § 8-502(a).

FOURTH CAUSE OF ACTION
Aiding and Abetting in Violation of the New York City Human Rights Law
(National Origin Discrimination)
Against Defendant Gelb

105. Plaintiff Netrebko repeats and realleges the foregoing paragraphs as if fully set forth herein.

106. Defendant Gelb directly participated in the discriminatory conduct perpetrated against Netrebko, including, but not limited to, by terminating its contracts and relationships with Netrebko because of her national origin.

107. At all relevant times, Gelb supervised Netrebko and/or had the ability to control the terms and conditions of the Met's relationship with Netrebko, including, but not limited to, the power to terminate its contracts and relationship with Netrebko.

108. Defendant Netrebko knowingly and recklessly aided and abetted the unlawful discrimination against Plaintiff in violation of the NYCHRL, including, but not limited to, terminating the Met's contracts and relationship with Netrebko because of her national origin.

109. As a direct and proximate result, Netrebko has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income for which Netrebko is entitled to an award of damages.

110. As a direct and proximate result, Netrebko has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, and emotional pain and suffering for which Netrebko is entitled to an award of damages.

111. Defendant Gelb's unlawful and discriminatory conduct constitutes a knowing, malicious, willful, and wanton violation of the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

FIFTH CAUSE OF ACTION
Discrimination in Violation of the New York State Human Rights Law
(National Origin Plus Gender Discrimination)
Against Defendant the Met

112. Plaintiff Netrebko repeats and realleges the foregoing paragraphs as if fully set forth herein.

113. By the actions described above, Defendant the Met discriminated against Plaintiff on the basis of her gender and national origin in violation of the NYSHRL by terminating its contracts and relationship with Netrebko because of her gender and national origin.

114. As a direct and proximate result of Defendant the Met's unlawful and discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered and continues to suffer harm for which she is entitled to an award of monetary damages and other relief.

115. As a direct and proximate result of Defendant the Met's unlawful and discriminatory conduct in violation of the NYSHRL, Netrebko has suffered, and continues to suffer, harm for which she is entitled to an award of monetary damages and other relief, in addition to costs and reasonable attorneys' fees pursuant to N.Y. Exec. Law § 297(10) and punitive damages pursuant to § 297(4)(c).

SIXTH CAUSE OF ACTION
Aiding and Abetting in Violation of New York State Human Rights Law
(National Origin Plus Gender Discrimination)
Against Defendant Gelb

116. Plaintiff Netrebko repeats and realleges the allegations contained in the foregoing paragraphs, as if fully set forth herein.

117. Defendant Gelb directly participated in the discriminatory conduct perpetrated against Netrebko, including, but not limited to, by terminating its contracts and relationship with Netrebko because of her gender and national origin.

118. At all relevant times, Defendant Gelb supervised Netrebko and had the ability to control the terms and conditions of the Met's relationship with Netrebko, including, but not limited to, the power to terminate its contracts and relationship with Netrebko.

119. Defendant Gelb knowingly and recklessly aided and abetted the unlawful discrimination against Netrebko in violation of the NYSHRL, including but not limited to, the termination of the Met's contracts and relationship with Netrebko.

120. As a direct and proximate result of Defendant Gelb's conduct, Netrebko has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income for which Netrebko is entitled to an award of damages.

121. As a direct and proximate result of Defendant Gelb's conduct, Netrebko has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, and emotional pain and suffering for which Netrebko is entitled to an award of damages.

122. As a direct and proximate result of Defendant Gelb's unlawful and discriminatory conduct in violation of the NYSHRL, Netrebko has suffered, and continues to suffer, harm for which she is entitled to an award of monetary damages and other relief, in addition to costs and reasonable attorneys' fees pursuant to N.Y. Exec. Law § 297(10) and punitive damages pursuant to § 297(4)(c).

SEVENTH CAUSE OF ACTION

**Discrimination in Violation of the New York City Human Rights Law
(National Origin Plus Gender Discrimination)
*Against Defendant the Met***

123. Plaintiff Netrebko repeats and realleges the foregoing paragraphs as if fully set forth herein.

124. By the actions described above, among others, Defendant the Met discriminated against Netrebko on the basis of her gender and national origin in violation of the NYCHRL by terminating its contracts and relationships with Netrebko because of her gender and national origin.

125. As a direct and proximate result of Defendant the Met's unlawful and discriminatory conduct in violation of the NYCHRL, Netrebko has suffered, and continues to suffer, harm for which she is entitled to an award of monetary damages and other relief, in addition to costs and reasonable attorneys' fees pursuant to N.Y. City Admin. Code § 8-502(a), (g).

126. Defendant the Met's unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL for which Netrebko is entitled to an award of punitive damages pursuant to N.Y. City Admin. Code § 8-502(a).

EIGHTH CAUSE OF ACTION

**Aiding and Abetting in Violation of the New York City Human Rights Law
(National Origin Plus Gender Discrimination)
*Against Defendant Gelb***

127. Plaintiff Netrebko repeats and realleges the foregoing paragraphs as if fully set forth herein.

128. Defendant Gelb directly participated in the discriminatory conduct perpetrated against Netrebko, including, but not limited to, by terminating its contracts and relationships with Netrebko because of her gender and national origin.

129. At all relevant times, Gelb supervised Netrebko and/or had the ability to control the terms and conditions of the Met's relationship with Netrebko, including, but not limited to, the power to terminate its contracts and relationship with Netrebko.

130. Defendant Netrebko knowingly and recklessly aided and abetted the unlawful discrimination against Plaintiff in violation of the NYCHRL, including, but not limited to, terminating the Met's contracts and relationship with Netrebko because of her gender and national origin.

131. As a direct and proximate result, Netrebko has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income for which Netrebko is entitled to an award of damages.

132. As a direct and proximate result, Netrebko has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, and emotional pain and suffering for which Netrebko is entitled to an award of damages.

133. Defendant Gelb's unlawful and discriminatory conduct constitutes a knowing, malicious, willful, and wanton violation of the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

NINTH CAUSE OF ACTION
Defamation
Against All Defendants

134. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

135. Gelb and the Met made public statements, as set forth in paragraphs 56(e) through 56(j) above. Each of these statements was defamatory *per se* because each was a statement of fact

which exposed Netrebko to public hatred, ridicule, contempt, or disgrace, and injured Netrebko's career and professional reputation.

136. The public statements clearly refer to Netrebko and are false and misleading.

137. Gelb and the Met acted with actual malice because they made these defamatory statements about Netrebko with knowledge of their falsity or with reckless disregard of the truth or falsity of the statements.

138. As a direct and proximate cause of Gelb's and the Met's publication of these defamatory statements, Netrebko has suffered and continues to suffer monetary, reputational, and emotional damages.

TENTH CAUSE OF ACTION

Breach of Contract

Against Defendant the Met

139. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

140. The agreements between the parties concerning the 2024-2025 season productions of *Tosca* and *Pique Dame*, and the 2025-2026 season productions of *Manon Lescaut* and *Macbeth* are binding contracts under New York law.

141. The Met breached these contracts by cancelling these agreements and refusing to pay Netrebko compensation under them.

142. As a direct and proximate result of the Met's breach of these agreements, Plaintiff Netrebko suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Anna Netrebko respectfully requests the following relief from the Court:

A. On Plaintiff's First through Eighth Causes of Action for Discrimination, lost fees and wages, punitive damages, attorneys' fees and costs, and an amount of damages to be determined at trial for Plaintiff's severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, and emotional pain and suffering.

B. On Plaintiff's Ninth Cause of Action for Defamation, an award of monetary damages to be determined at trial for reputational injury, emotional distress, pain and suffering, and humiliation.

C. On Plaintiff's Tenth Cause of Action for Breach of Contract, an award of monetary damages to be determined at trial, but no less than \$360,000 in performance and rehearsal fees.

D. Such other and further relief as the Court may deem just and appropriate.

JURY DEMAND

Plaintiff Anna Netrebko hereby demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted,

/s/ Julie R. Ulmet
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DATED: August 31, 2023